

1 Stephen A. Swedlow (admitted *pro hac vice*)
2 stephenswedlow@quinnmanuel.com
3 **QUINN EMANUEL URQUHART & SULLIVAN,**
4 **LLP**
5 191 N. Wacker Drive, Suite 2700
6 Chicago, IL 60606-1881
7 (312) 705-7400

8 Warren Postman (Bar No. 330869)
9 wdp@kellerlenkner.com
10 Jason Ethridge (*pro hac vice forthcoming*)
11 jason.ethridge@kellerlenkner.com
12 **KELLER LENKNER LLC**
13 1300 I Street, N.W., Suite 400E
14 Washington, DC 20005
15 (202) 918-1123

16 *Attorneys for Plaintiffs*
17
(Additional Counsel on Signature Page)

18 SONAL N. MEHTA (SBN 222086)
19 Sonal.Mehta@wilmerhale.com
20 **WILMER CUTLER PICKERING**
21 **HALE AND DORR LLP**
22 2600 El Camino Real, Suite 400
23 Palo Alto, California 94306
24 Telephone: (650) 858-6000
25 Facsimile: (650) 858-6100

26 DAVID Z. GRINGER (*pro hac vice pending*)
27 David.Gringer@wilmerhale.com
28 **WILMER CUTLER PICKERING**
1 **HALE AND DORR LLP**
2 1875 Pennsylvania Avenue, NW
3 Washington, DC 20006
4 Telephone: (202) 663-6000
5 Facsimile: (202) 663-6363

6 *Attorneys for Defendant*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAXIMILIAN KLEIN and SARAH GRABERT,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware corporation
headquartered in California,

Defendant.

Case No. 5:20-cv-08570-LHK

**STIPULATION AND [PROPOSED]
ORDER TO ENLARGE TIME TO
RESPOND TO THE COMPLAINT**

Hon. Lucy H. Koh

1 WHEREAS, plaintiffs Maximilian Klein and Sarah Grabert served the Complaint (ECF
 2 No. 1) on December 9, 2020;

3 WHEREAS, defendant Facebook, Inc.'s response to the Complaint is currently due
 4 February 16, 2021;

5 WHEREAS, after the filing of this case, seven other putative class action lawsuits¹ have
 6 been filed against defendant Facebook, Inc. in this District in recent weeks alleging violations of
 7 Section 2 of Sherman Act, 15 U.S.C. § 2;

8 WHEREAS, four of these lawsuits, including this case, are currently the subject of
 9 motions pending before this Court to consider whether the cases should be related to this case
 10 (ECF Nos. 19, 34);

11 WHEREAS, currently pending before this Court is Facebook's Motion to Stay this case
 12 pending ruling on the relation motions and a coordinated Case Management Conference (ECF
 13 No. 38);

14 WHEREAS, Facebook and the plaintiffs are in the process of discussing potential case
 15 management approaches including a possible stipulation (which plaintiffs intend to propose to
 16 Facebook) that would require a consolidated class action complaint or complaints and negate
 17 Facebook's current response deadline in this case;

18 ACCORDINGLY, pursuant to Civil Local Rules 6-1 and 7-12, Facebook and plaintiffs,
 19 by and through their respective counsel, hereby stipulate and agree that good cause exists to
 20 extend Facebook's time to answer or otherwise respond to the Complaint until the earlier of (a)

21
 22 ¹ The lawsuits are: *Sherman v. Facebook, Inc.*, No. 3:20-cv-08721-LB; *Kupcho v. Facebook,*

23 *Inc.*, No. 4:20-cv-08815-JSW; *Dames v. Facebook, Inc.*, No. 3:20-cv-08817-TSH; *Steinberg v.*

24 *Facebook, Inc.*, No. 3:20-cv-09130-SK; *Affilious, Inc. v. Facebook, Inc.*, No. 4:20-cv-09217-

25 *KAW*; *Layser v. Facebook, Inc.*, No. 3:21-cv-00337-VC; and *Garvin v. Facebook, Inc.*, No.

26 4:21-cv-00618-KAW. In addition, *Rosenman v. Facebook, Inc.*, No. 3:21-cv-00336-VC, was

27 filed in state court, removed to this District, and makes similar allegations in support of its claims

28 for violation of the California Unfair Competition Law.

1 March 18, 2021, or (b) the date on which Facebook files its response to the Complaints in
2 *Sherman v. Facebook, Inc.*, No. 3:20-cv-08721-LB; *Kupcho v. Facebook, Inc.*, No. 4:20-cv-
3 08815-JSW; *Dames v. Facebook, Inc.*, No. 3:20-cv-08817-TSH; *Steinberg v. Facebook, Inc.*,
4 No. 3:20-cv-09130-SK; and *Affilious, Inc. v. Facebook, Inc.*, No. 4:20-cv-09217-KAW, or any
5 other case that Facebook asserts is related to *Klein* or any of the above matters. The parties'
6 positions on Facebook's pending Motion to Stay remain unchanged and will be unaffected by
7 this Court's entry of the requested stipulated enlargement of time.

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2 Dated: February 5, 2021

WILMER CUTLER PICKERING HALE
AND DORR LLP

3 By: /s/ Sonal N. Mehta
4

5 SONAL N. MEHTA
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8 Attorney for Defendant
Facebook, Inc.

Dated: February 5, 2021

Stephen A. Swedlow (admitted *pro hac vice*)
stephenswedlow@quinnmanuel.com
**QUINN EMANUEL URQUHART & SULLIVAN,
LLP**
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606-1881
(312) 705-7400

Kevin Y. Teruya (Bar No. 235916)
kevinteruya@quinnmanuel.com
Adam B. Wolfson (Bar No. 262125)
adamwolfson@quinnmanuel.com
Brantley I. Pepperman (Bar No. 322057)
brantleypepperman@quinnmanuel.com
**QUINN EMANUEL URQUHART & SULLIVAN,
LLP**
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543
(213) 443-3000

Warren Postman (Bar No. 330869)
wdp@kellerlenkner.com
Jason Ethridge (*pro hac vice forthcoming*)
jason.ethridge@kellerlenkner.com
KELLER LENKNER LLC
1300 I Street, N.W., Suite 400E
Washington, DC 20005
(202) 918-1123

Ashley Keller (*pro hac vice forthcoming*)
ack@kellerlenkner.com
Benjamin Whiting (*pro hac vice
forthcoming*)
ben.whiting@kellerlenkner.com
KELLER LENKNER LLC
150 N. Riverside Plaza, Suite 4270
Chicago, IL 60606
(312) 741-5220

1 By: /s/ Warren Postman

2 *Attorney for Plaintiffs*
3 Maximilian Klein and Sarah Grabert
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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatories have concurred in this filing.

Dated: February 5, 2021

By: /s/ Sonal N. Mehta
Sonal N. Mehta

1 **[PROPOSED] ORDER**

2 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED: Facebook's time to
3 answer or otherwise respond to the Complaint is enlarged up to and including the earlier of (a)
4 March 18, 2021, or (b) the date on which Facebook files its response to the Complaints in
5 *Sherman v. Facebook, Inc.*, No. 3:20-cv-08721-LB; *Kupcho v. Facebook, Inc.*, No. 4:20-cv-
6 08815-JSW; *Dames v. Facebook, Inc.*, No. 3:20-cv-08817-TSH; *Steinberg v. Facebook, Inc.*,
7 No. 3:20-cv-09130-SK; and *Affilious, Inc. v. Facebook, Inc.*, No. 4:20-cv-09217-KAW, or any
8 other case that a plaintiff or Facebook asserts is related to *Klein* or any of the above matters.
9

10 DATED: _____

By: _____

11 Hon. Lucy H. Koh

12 United States District Judge

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15 Submitted by:

16 WILMER CUTLER PICKERING HALE AND DORR LLP

17 By: /s/ Sonal N. Mehta

18 *Attorney for Facebook, Inc.*

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